

Senate Amendment 3170

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1 1 Amend the House amendment, S=3096, to Senate File
1 2 206, as amended, passed, and reprinted by the Senate,
1 3 as follows:
1 4 #1. Page 1, line 3, by striking the figure <14.>
1 5 and inserting the following: <14, and inserting the
1 6 following:
1 7 <Sec. _____. Section 170.1, subsection 4, Code 2005,
1 8 is amended to read as follows:
1 9 4. a. "Farm deer" means an animal belonging to
1 10 the cervidae family and classified as part of the dama
1 11 species of the dama genus, commonly referred to as
1 12 fallow deer; part of the elaphus species of the cervus
1 13 genus, commonly referred to as red deer or elk; part
1 14 of the virginianus species of the odocoileus genus,
1 15 commonly referred to as whitetail; part of the
1 16 hemionus species of the odocoileus genus, commonly
1 17 referred to as mule deer; or part of the nippon
1 18 species of the cervus genus, commonly referred to as
1 19 sika. ~~However, a farm deer~~
1 20 b. "Farm deer" does not include any unmarked free=
1 21 ranging elk, whitetail, or mule deer. "Farm deer"
1 22 also does not include preserve whitetail which are
1 23 kept on a hunting preserve as provided in chapter
1 24 484C.
1 25 Sec. _____. NEW SECTION. 170.1A APPLICATION OF
1 26 CHAPTER.
1 27 1. A landowner shall not keep whitetail unless the
1 28 whitetail are kept as farm deer under this chapter or
1 29 kept as preserve whitetail on a hunting preserve
1 30 pursuant to chapter 484C.
1 31 2. This chapter authorizes the department of
1 32 agriculture and land stewardship to regulate whitetail
1 33 kept as farm deer. However, the department of natural
1 34 resources shall regulate preserve whitetail kept on a
1 35 hunting preserve pursuant to chapter 484C.>>
1 36 #2. Page 1, by striking lines 5 through 12.
1 37 #3. Page 1, by striking lines 35 and 36, and
1 38 inserting the following:
1 39 <#_____. Page 4, line 20, by inserting after the
1 40 word <land> the following: <~~not necessarily~~>.
1 41 #strike>____. Page 4, by striking lines 23 and 24, and
1 42 inserting the following:
1 43 <(a) Are in tracts of two or more contiguous,
1 44 acres.>>
1 45 #4. Page 2, by striking lines 24 through 27, and
1 46 inserting the following: <the special season.>
1 47 #5. Page 2, by inserting after line 45, the
1 48 following:
1 49 <#_____. Page 6, by inserting after line 35, the
1 50 following:
2 1 <Sec. _____. Section 484B.3, Code 2005, is amended
2 2 to read as follows:
2 3 484B.3 AUTHORITY OF THE DIRECTOR.
2 4 1. The director shall develop, administer, and
2 5 enforce hunting preserve programs and requirements
2 6 within the state which implement the provisions of
2 7 this chapter and ~~the~~ rules adopted by the commission
2 8 pursuant to this chapter.
2 9 2. The chapter does not apply to keeping farm deer
2 10 ~~as defined in section 170.1 as regulated by the~~
2 11 department of agriculture and land stewardship
2 12 pursuant to chapter 170 or to preserve whitetail kept
2 13 on a hunting preserve as regulated by the department
2 14 of natural resources pursuant to chapter 484C.
2 15 Sec. _____. NEW SECTION. 484C.1 DEFINITIONS.
2 16 As used in this chapter, unless the context
2 17 otherwise requires:
2 18 1. "Commission" means the natural resource
2 19 commission as created pursuant to section 455A.6.
2 20 2. "Department" means the department of natural
2 21 resources as created pursuant to section 455A.2.
2 22 3. "Documented event" includes but is not limited
2 23 to the birth, death, harvest, transfer for
2 24 consideration, or release of preserve whitetail.

2 25 4. "Fence" means a boundary fence which encloses
2 26 preserve whitetail within a landowner's property as
2 27 required to be constructed and maintained pursuant to
2 28 this chapter.

2 29 5. "Hunting preserve" means land where a landowner
2 30 keeps preserve whitetail as part of a business, if the
2 31 business's purpose is to provide persons with the
2 32 opportunity to hunt the preserve whitetail.

2 33 6. "Landowner" means a person who holds an
2 34 interest in land, including a titleholder.

2 35 7. "Preserve whitetail" means whitetail kept on a
2 36 hunting preserve.

2 37 8. "Whitetail" means an animal belonging to the
2 38 cervidae family and classified as part of the
2 39 virginianus species of the odocoileus genus.

2 40 Sec. _____. NEW SECTION. 484C.2 APPLICATION OF
2 41 CHAPTER.

2 42 1. A landowner shall not keep whitetail unless the
2 43 whitetail are kept as preserve whitetail pursuant to
2 44 this chapter or as farm deer pursuant to chapter 170.

2 45 2. This chapter authorizes the department of
2 46 natural resources to regulate preserve whitetail.
2 47 However, the department of agriculture and land
2 48 stewardship shall regulate whitetail kept as farm deer
2 49 pursuant to chapter 170.

2 50 Sec. _____. NEW SECTION. 484C.3 RULES.

3 1 The department shall adopt rules pursuant to
3 2 chapter 17A as necessary to administer this chapter.

3 3 Sec. _____. NEW SECTION. 484C.4 DEPARTMENTAL
3 4 PROGRAMS AND REQUIREMENTS.

3 5 The department shall develop, administer, and
3 6 enforce hunting preserve programs and requirements,
3 7 which implement the provisions of this chapter and
3 8 rules adopted by the department pursuant to section
3 9 484C.3, regarding fencing, recordkeeping, reporting,
3 10 and the tagging, transportation, testing, and
3 11 monitoring for disease of preserve whitetail.

3 12 Sec. _____. NEW SECTION. 484C.5 MINIMUM ENCLOSED
3 13 ACREAGE == EXCEPTIONS.

3 14 A hunting preserve must include at least three
3 15 hundred twenty contiguous acres which are enclosed by
3 16 a fence certified pursuant to section 484C.6.
3 17 However, the hunting preserve may include a fewer
3 18 number of enclosed acres if any of the following
3 19 applies:

3 20 1. The commission grants a waiver for the hunting
3 21 preserve according to terms and conditions required by
3 22 the commission. The hunting preserve must include at
3 23 least one hundred sixty contiguous acres.

3 24 2. a. The hunting preserve was operated as a
3 25 business on January 1, 2005.

3 26 b. If the hunting preserve operated as a business
3 27 on January 1, 2005, the landowner or the landowner's
3 28 successor in interest may sell or otherwise transfer
3 29 ownership of the hunting preserve to another person
3 30 who may continue to operate the hunting preserve in
3 31 the same manner as the landowner. However, this
3 32 paragraph shall not apply if the owner of the hunting
3 33 preserve or any successor in interest fails to
3 34 register with the department as provided in section
3 35 484C.7 for three or more consecutive years.

3 36 3. a. The hunting preserve was not operated as a
3 37 business on January 1, 2005, and all of the following
3 38 apply:

3 39 (1) The hunting preserve has at least one hundred
3 40 contiguous acres.

3 41 (2) The hunting preserve's fence is certified by
3 42 the department not later than September 1, 2005.

3 43 b. If the hunting preserve complies with paragraph
3 44 "a", the landowner or the landowner's successor in
3 45 interest may sell or otherwise transfer ownership of
3 46 the hunting preserve to another person who may
3 47 continue to operate the hunting preserve in the same
3 48 manner as the landowner. However, this paragraph
3 49 shall not apply if the owner of the hunting preserve
3 50 or any successor in interest fails to register with
4 1 the department as provided in section 484C.7 for three
4 2 or more consecutive years.

4 3 Sec. _____. NEW SECTION. 484C.6 FENCING ==
4 4 CERTIFICATION.

4 5 1. A fence required to enclose preserve whitetail

4 6 under section 484C.5 must be constructed and
4 7 maintained as prescribed by rules adopted by the
4 8 department and as certified by the department. The
4 9 fence shall be constructed and maintained to ensure
4 10 that the preserve whitetail are kept in the enclosure
4 11 and all other whitetail are excluded from the
4 12 enclosure.

4 13 2. A fence that was certified by the department of
4 14 agriculture and land stewardship pursuant to chapter
4 15 170 prior to the effective date of this Act shall be
4 16 certified by the department of natural resources.

4 17 3. A fence shall be at least eight feet in height
4 18 above ground level. The enclosure shall be posted
4 19 with signs as prescribed by rules adopted by the
4 20 department.

4 21 4. The department may require that the fence be
4 22 inspected and approved by the department prior to
4 23 certification. The department shall periodically
4 24 inspect the fence at any reasonable time by
4 25 appointment or by providing the landowner with at
4 26 least forty-eight hours' notice.

4 27 Sec. ____ NEW SECTION. 484C.7 REGISTRATION AND
4 28 FEE.

4 29 A landowner who keeps preserve whitetail shall
4 30 annually register the landowner's hunting preserve
4 31 with the department by June 30. The landowner shall
4 32 pay the department a registration fee. The amount of
4 33 the registration fee shall not exceed three hundred
4 34 fifty dollars per fiscal year. The fee shall be
4 35 deposited into the state fish and game protection
4 36 fund.

4 37 Sec. ____ NEW SECTION. 484C.8 REQUIREMENTS FOR
4 38 RELEASING WHITETAIL == PROPERTY INTERESTS.

4 39 A person shall not release whitetail kept as
4 40 preserve whitetail onto land unless the landowner
4 41 complies with all of the following:

4 42 1. The landowner must notify the department at
4 43 least thirty days prior to first releasing the
4 44 preserve whitetail on the land. The notice shall be
4 45 provided in a manner required by the department. The
4 46 notice must at least provide all of the following:

4 47 a. A statement verifying that the fence which
4 48 encloses the land is certified by the department
4 49 pursuant to section 484C.6.

4 50 b. The landowner's name.

5 1 c. The location of the land enclosed by the fence.

5 2 2. The landowner shall cooperate with the
5 3 department to remove any whitetail from the enclosed
5 4 land. However, after the thirtieth day following
5 5 receipt of the notice, the state shall relinquish its
5 6 property interest in any remaining whitetail that the
5 7 landowner and the department were unable to remove
5 8 from the enclosed land. Any remaining whitetail
5 9 existing at that time on the enclosed land, and any
5 10 progeny of the whitetail, shall become preserve
5 11 whitetail and property of the landowner.

5 12 3. A hunting preserve may include whitetail which
5 13 were regulated as farm deer by the department of
5 14 agriculture and land stewardship pursuant to chapter
5 15 170 and transported to the hunting preserve. The
5 16 whitetail shall be considered farm deer until released
5 17 onto the hunting preserve. Once released onto the
5 18 hunting preserve, the whitetail and its progeny become
5 19 preserve whitetail and are subject to regulation by
5 20 the department of natural resources.

5 21 Sec. ____ NEW SECTION. 484C.9 DOCUMENTATION ==
5 22 INSPECTIONS.

5 23 1. The department shall prepare forms for
5 24 documents, including records and reports, and provide
5 25 such forms to landowners in order to comply with this
5 26 section. The department shall provide procedures for
5 27 the receipt, filing, processing, and return of
5 28 documents in an electronic format. The department
5 29 shall provide for the authentication of the documents
5 30 that may include electronic signatures as provided in
5 31 chapter 554D. However, this subsection does not
5 32 require a landowner to complete or receive a document
5 33 in an electronic format.

5 34 2. A landowner who operates a hunting preserve
5 35 shall do all of the following:

5 36 a. Keep records as required by the department.

5 37 The records shall be open for inspection at any
5 38 reasonable time by the department.

5 39 b. File an annual report with the department on or
5 40 before June 30. The report shall describe the hunting
5 41 preserve operations during the preceding twelve
5 42 months. The original report shall be forwarded to the
5 43 department and a copy shall be retained in the hunting
5 44 preserve's file for three years from the date of
5 45 expiration of the landowner's last registration as
5 46 provided in section 484C.7.

5 47 c. Keep a record of a documented event as required
5 48 by the department. The record of the documented event
5 49 shall be entered in the annual report required in this
5 50 section. The record of the documented event shall be
6 1 maintained by the landowner and submitted to the
6 2 department. The entry of the documented event shall
6 3 be made within twenty-four hours after its occurrence
6 4 as prescribed by departmental rule.

6 5 Sec. ____ NEW SECTION. 484C.10 TAKING PRESERVE
6 6 WHITETAIL == TRANSPORTATION TAGS.

6 7 The department shall provide transportation tags to
6 8 a landowner for use in identifying the carcass of
6 9 preserve whitetail.

6 10 1. The tags shall be used to designate all
6 11 preserve whitetail taken by persons on the hunting
6 12 preserve. A person taking the preserve whitetail
6 13 shall tag the preserve whitetail in accordance with
6 14 the rules adopted by the department.

6 15 2. The preserve whitetail taken on a hunting
6 16 preserve shall be tagged prior to being removed from
6 17 the hunting preserve.

6 18 3. A tag shall remain attached to the carcass of
6 19 the dead preserve whitetail until processed for
6 20 consumption. The person taking the preserve whitetail
6 21 shall be provided with a bill of sale by the
6 22 landowner. The bill of sale shall remain in the
6 23 possession of the person taking the preserve
6 24 whitetail.

6 25 4. Preserve whitetail tags issued to a hunting
6 26 preserve are not transferable.

6 27 Sec. ____ NEW SECTION. 484C.11 TAKING PRESERVE
6 28 WHITETAIL == PROCESSING.

6 29 If preserve whitetail have been taken, the
6 30 harvested preserve whitetail may be processed by the
6 31 hunting preserve as prescribed by rules adopted by the
6 32 department. The rules shall provide for the marking
6 33 and shipment of meat.

6 34 Sec. ____ NEW SECTION. 484C.12 HEALTH
6 35 REQUIREMENTS == CHRONIC WASTING DISEASE.

6 36 1. Preserve whitetail that are purchased,
6 37 propagated, confined, released, or sold by a hunting
6 38 preserve shall be free of diseases considered
6 39 reportable for wildlife, poultry, or livestock. The
6 40 department may provide for the quarantine of diseased
6 41 preserve whitetail that threaten the health of animal
6 42 populations.

6 43 2. The landowner, or the landowner's veterinarian,
6 44 and an epidemiologist designated by the department
6 45 shall develop a plan for eradicating a reportable
6 46 disease among the preserved whitetail population. The
6 47 plan shall be designed to reduce and then eliminate
6 48 the reportable disease, and to prevent the spread of
6 49 the disease to other animals. The plan must be
6 50 developed and signed within sixty days after a
7 1 determination that the preserved whitetail population
7 2 is affected with the disease. The plan must address
7 3 population management and adhere to rules adopted by
7 4 the department. The plan must be formalized as a
7 5 memorandum of agreement executed by the landowner or
7 6 landowner's veterinarian and the epidemiologist. The
7 7 plan must be approved by the department.

7 8 Sec. ____ NEW SECTION. 484C.13 PENALTIES.

7 9 1. A person who violates a provision of this
7 10 chapter or a rule adopted pursuant to this chapter is
7 11 guilty of a simple misdemeanor.

7 12 2. A landowner who keeps preserve whitetail and
7 13 who fails to register with the department as required
7 14 in section 484C.7 is subject to a civil penalty of not
7 15 more than two thousand five hundred dollars. The
7 16 civil penalty shall be deposited in the state fish and
7 17 game protection fund.

7 18 3. The department may suspend or revoke a fence
7 19 certification issued pursuant to section 484C.6 if the
7 20 department determines that a landowner has done any of
7 21 the following:
7 22 a. Provided false information to the department in
7 23 an application for fence certification pursuant to
7 24 section 484C.6.
7 25 b. Failed to provide access to the department for
7 26 an inspection as provided in this chapter.
7 27 c. Failed to maintain adequate records or to
7 28 submit timely reports as provided in section 484C.9.
7 29 d. Failed to maintain a fence enclosing the land
7 30 where preserve whitetail are kept as required by this
7 31 chapter. The department shall not suspend or revoke a
7 32 certification, if the landowner remedies each item as
7 33 provided in a notice of deficiency delivered to the
7 34 landowner by the department. The remedies shall be
7 35 completed within seven days from receipt of the
7 36 notice. The notice shall be hand delivered or sent by
7 37 certified mail.>
7 38 #strike>____. Page 7, by inserting after line 1 the
7 39 following:
7 40 <Sec. _____. DEPARTMENT OF AGRICULTURE AND LAND
7 41 STEWARDSHIP AND DEPARTMENT OF NATURAL RESOURCES ==
7 42 JOINT STUDY AND RECOMMENDATIONS.
7 43 1. The department of agriculture and land
7 44 stewardship and the department of natural resources
7 45 shall conduct a joint study to consider issues
7 46 relating to keeping of farm deer pursuant to Code
7 47 chapter 170 and keeping preserve whitetail as part of
7 48 a hunting preserve pursuant to Code chapter 484C as
7 49 enacted by this Act. As part of the study, the
7 50 departments shall consider all of the following:
8 1 a. The fair and effective regulation of farm deer
8 2 and preserve whitetail by the departments.
8 3 b. Threats to farm deer, preserve whitetail, and
8 4 state-owned whitetail caused by potential outbreaks of
8 5 infectious diseases including but not limited to
8 6 chronic wasting disease, and methods to cooperate in
8 7 monitoring and controlling infectious diseases and
8 8 obtaining federal moneys necessary to provide for the
8 9 prevention and suppression of infectious diseases.
8 10 2. The departments shall jointly report the
8 11 results of the study, including findings and
8 12 recommendations, to the government oversight
8 13 committees by November 2005 as required by the
8 14 committees.
8 15 Sec. _____. DEPARTMENT OF NATURAL RESOURCES AND
8 16 HUNTING PRESERVE INDUSTRY == JOINT STUDY AND
8 17 RECOMMENDATIONS.
8 18 1. A preserve whitetail committee is established.
8 19 The committee shall be composed of the following:
8 20 a. Not more than five persons appointed by the
8 21 governor who shall be members of the Iowa whitetail
8 22 deer association.
8 23 b. Not more than five persons appointed by the
8 24 director of the department of natural resources who
8 25 shall be knowledgeable regarding hunting preserves.
8 26 2. The committee shall develop recommendations for
8 27 industry standards and guidelines to be used by the
8 28 natural resource commission when considering the
8 29 granting of waivers for minimum acreage requirements
8 30 for hunting preserves as provided in section 484C.5 as
8 31 enacted in this Act.
8 32 3. The committee shall submit the recommendations
8 33 required in this section to the natural resource
8 34 commission by January 1, 2006.>>
8 35 #6. By renumbering as necessary.
8 36
8 37
8 38
8 39 _____
8 40 DENNIS H. BLACK
8 41 SF 206.309 81
8 42 av/cf/2540